

## JONES DAY

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October 5, 2022

### VIA ELECTRONIC FILING

The Honorable Katherine Polk Failla  
United States District Court for the Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square, Room 618  
New York, New York 10007

Re: *Dinosaur Financial Grp. LLC et al. v. S&P Global, Inc. et al.*, Case No. 22-cv-1860-KPF  
("Dinosaur"); *Hildene Capital Management, LLC v. American Bankers Association et al.*,  
Case No. 22-cv-1929-KPF ("Hildene")

Dear Judge Failla:

I am lead counsel for the American Banker's Association in the above-referenced matter. I write to request permission to appear telephonically or virtually for the hearing on defendants' letter regarding a motion to dismiss scheduled for November 17, 2022. On September 30, 2022, I asked the Court to continue the initial hearing date for October 31, 2022 to November 8, and the Court rescheduled the hearing for November 17, 2022. I have a prepaid business trip out of state and thus will be unable to appear in person, but can appear by telephone or virtually. I have met and conferred with counsel for plaintiffs and the other defendants, who prefer to keep the in person hearing for November 17, 2022. Thank you for your consideration and accommodation.

Respectfully submitted,

/s/ David C. Kiernan

David C. Kiernan

cc: All Counsel of Record (*via ECF*)